

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LINDA ROSENTHAL,
Plaintiff

v.

**AMERICAN STATES INSURANCE
COMPANY t/d/b/a SAFECO
INSURANCE COMPANY,
Defendant**

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No. 1:18-cv-01755

(Judge Kane)

ORDER

AND NOW, on this 26th day of March 2019, upon consideration of Defendant American States Insurance Company (“Defendant”)’s motion to dismiss Plaintiff Linda Rosenthal (“Plaintiff”)’s complaint (Doc. No. 3), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendant’s motion to dismiss (Doc. No. 3), is **GRANTED**; and
2. Count II of Plaintiff’s complaint (Doc. No. 1) is **DISMISSED WITHOUT PREJUDICE** to Plaintiff’s filing of an amended complaint, within thirty (30) days of the date of this Order, and in accordance with the Memorandum entered concurrently with this Order, that alleges sufficient facts from which a reasonable jury could plausibly conclude that Defendant’s actions in investigating and evaluating Plaintiff’s claims were unreasonable and that the Defendant knew of or recklessly disregarded its lack of a reasonable basis.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania